

REMARKS

Upon entry of this amendment claims 1-4 and 6-14 will be pending in the application. Claims 1-4 are amended to include pharmaceutically acceptable salts. Claims 1 and 3 are amended to remove solvates and physiologically functional derivatives from the claims. Claim 5 is canceled. All amendments are made without prejudice. Applicants reserve the right to pursue canceled subject matter in a continuing application.

Claims 6-13 are new. Support for claims 6 and 8 can be found in Example 16 given on page 35, line 22 of the specification. Support for claims 7 and 9-11 can be found in Examples 1-15 given on pages 32-35 of the specification. Support for claims 12 and 13 can be found in Examples 1-16 given on pages 32-35 of the specification. Support for claim 14 can be found on page 35, line 27, through page 37, line 7 of the specification. No new matter is added.

Applicants' response to the Examiner's Office Action is as follows.

Claim Rejections – 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 1-5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention. Applicants' response to the Examiner's five part rejection is given below.

- i) The Examiner states that the term "substituted" without saying which substituents are intended is indefinite. Applicants respectfully submit that the claims should be read in light of the specification. Suitable substituents for the terms substituted alkyl, substituted alkenyl, substituted alkynyl, and substituted carbocycle are all given on pages 4 and 5 of the specification. Thus, in light of these definitions, one skilled in the art would be able to say which substituents are permitted and which ones are not.
- ii) The Examiner states that the term "heteroaryl" is indefinite because it is not known how many atoms are present, how many and what kind of heteroatoms are involved, what size ring is intended and how many rings are present. Applicants highlight to the Examiner that the term heteroaryl is defined on page 6, lines 17-31 of the specification. This definition includes the number of atoms present, the

- number and kind of heteroatoms involved, the size of the ring, how many rings are present, and types of substituents that are permitted. In light of the definition given in the specification one skilled in the art would know the scope of the term heteroarylene.
- iii) The Examiner states that the term "carbocycle" is indefinite because it is not known what kind of ring is intended and clarification is required. Applicants submit that the term carbocycle is defined on page 5, lines 6-10 of the specification. In light of the definition given in the specification one skilled in the art would know the scope of the term carbocycle.
 - iv) The Examiner suggests Applicants replace the last line of claim 1 which reads "or a salt, solvate, or physiologically functional derivative" with the phrase "or a pharmaceutically acceptable salt thereof". Solely in order to expedite prosecution of this application, Applicants have amended claim 1 as suggested by the Examiner.
 - v) The Examiner requires clarification of claim 5 as to whether Applicants intend to treat any bacterial infection or only bacterial infections from certain bacteria. Applicants have canceled claim 5, as noted above, thus further clarification is not needed.

In view of the above amendments and remarks, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claim Rejections – 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 1-5 under 35 U.S.C §112, first paragraph, because the specification while being enabling for a pharmaceutical salt, allegedly does not reasonably provide enablement for solvates of a compound of Formula I. Solely in order to expedite prosecution of this application, Applicants have removed the term "solvate" from the claims. Since solvates are a form species of the presently claimed compounds and salts, the present claims nonetheless encompass such forms. In light of this amendment, Applicants respectfully request that the rejection be withdrawn.

Conclusion

This reply is intended to further this case to allowance by addressing each ground of objection and rejection in the Examiner's Office Action. Reconsideration of this application is respectfully requested. Authorization is hereby granted to charge any fees which may be required by this paper to Deposit Account No. 19-2570. Should the Examiner have any questions regarding this application, the Examiner is invited to call the undersigned agent at the number given below.

Respectfully submitted,



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